

COPY

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

700-0046

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", Norfolk Southern Railway Company, hereinafter referred to as the "Company", the Township of Hamel, Madison County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal communication that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as Old Carpenters Road (TR 172) located west of Hamel in Hamel Township, Madison County, Illinois, designated as crossing DOT 480 122C, milepost 462.11 WA; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a study team comprised of a representative of each party to this agreement; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the

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interest of public safety at the aforesaid crossing should be:

- a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- b) the extension of the existing crossing surface by 8' on each side of the crossing surface. (The Company may elect to install a new crossing surface of the Company's choosing; however, since the existing crossing is in good condition, staff would recommend that the Company choose to extend the crossing by the additional 8' on each end).

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed warning device improvement which it may be required to perform, said estimate is attached as Exhibit B, and shall upon Order according to the requirements contained therein prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of Commission Order subsequent to this agreement. The time schedule for the submission of progress and other required reports from the Company is contained in Section 7 herein.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for the warning device installation, estimated to be \$145,000, is allocated 85% in an amount not to exceed \$123,250 to the Grade Crossing Protection Fund, 10% in an amount not to exceed \$12,325 to the Township, with all remaining installation cost and all cost of future maintenance and operation of the warning devices being borne by the Company.
- b) the cost for lengthening the existing crossing surface or the installation of a new crossing surface, and all cost of future maintenance of the crossing surface is allocated 100% to the Company.

Section 6 The Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions. All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry

Cronister, Bureau of Local Roads and Streets at the Main Office of the Illinois Department of Transportation at 2300 South Dirksen Parkway, Springfield, Illinois, 62764. A copy of each bill for Fund reimbursement should also be submitted to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24<sup>th</sup> month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall file a written report within ninety (90) days from the date of Commission Order subsequent to this agreement, with the Director of Processing and Information, of the Commission's Transportation Division, listing the name, title, mailing address, phone number and facsimile number of the Company's employee responsible for management of this project.

The Company shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures for the warning device installation and percentage of completion of the warning device and crossing surface improvements; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

Section 8 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

~~Office of the Illinois Department of Transportation at 1102 Eastport Plaza, Collinsville, Illinois, 62234.~~ A copy of each bill for Fund reimbursement should also be submitted to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24<sup>th</sup> month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

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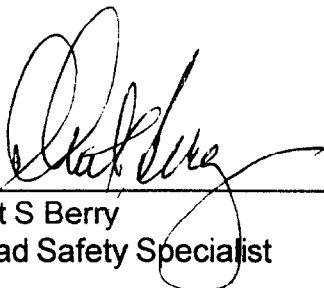
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 24<sup>th</sup> day of March, 2000.



Michael E. Stead  
Rail Safety Program  
Administrator

Attest:



Robert S Berry  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 909 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with a public highway known as Old Carpenter Road located near Hamel, Hamel Township, Madison County, Illinois, designated as crossing AAR/DOT 480 122C, milepost 462.11 WA.

Executed by the Township of Hamel this 4<sup>th</sup> day of April, 2000.

THE TOWNSHIP OF HAMEL

By: William Neepke Trustee  
Harry Benken, Trustee  
Cliff Brunsworth Trustee  
Francis L. Leiger Trustee  
Wilbert Schumacher, Supervisor

Attest:

Richard M. Lusk

Illinois Commerce Commission Stipulated Agreement No. 909 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with a public highway known as Old Carpenter Road located near Hamel, Hamel Township, Madison County, Illinois, designated as crossing AAR/DOT 480 122C, milepost 462.11 WA.

Executed by the Department this 26TH day of APRIL, 2000.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: James C. Shyer  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 909 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with a public highway known as Old Carpenter Road located near Hamel, Hamel Township, Madison County, Illinois, designated as crossing AAR/DOT 480 122C, milepost D 462.11.

Executed by the Company this 15<sup>th</sup> day of May, 2000.

NORFOLK SOUTHERN RAILWAY COMPANY

By: HR Comstock  
General Manager

Attest:

Claude R. Glazed.

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line Norfolk Southern Milepost 462.11 WA Inventory # 480 122C

City Near Hamel Street Old Carpenter Road (TR 172) County Madison

Jurisdiction Hamel Township Urban    Rural X Commercial    Residential X

Street Surface Bituminous Width 18' Condition Good

Angle 41° Tracks Tangent    Degree of Curve    Superelevation   

Depth of Cut    Height of Fill   

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
<u>  </u>	<u>  </u>	<u>Main</u>	<u>T/A*</u>	<u>28'10"</u>	<u>Good</u>
<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>
<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>	<u>  </u>

\* timber and asphalt crossing surface

Intersecting Roads 100' No 200' No

Traffic Control Devices Present No

ADT 250 Speed 55 mph (unposted) Statewide Yes

Schoolbuses    Hazardous Materials    Other   

Rail Traffic: Ft. 18 @ 60 mph Pass. @ mph Switch No

Simultaneous Movements No Daylight and Dark Yes

Present Protection Crossbuck signs

Advance Warning Signs Yes Pavement Marking No



Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

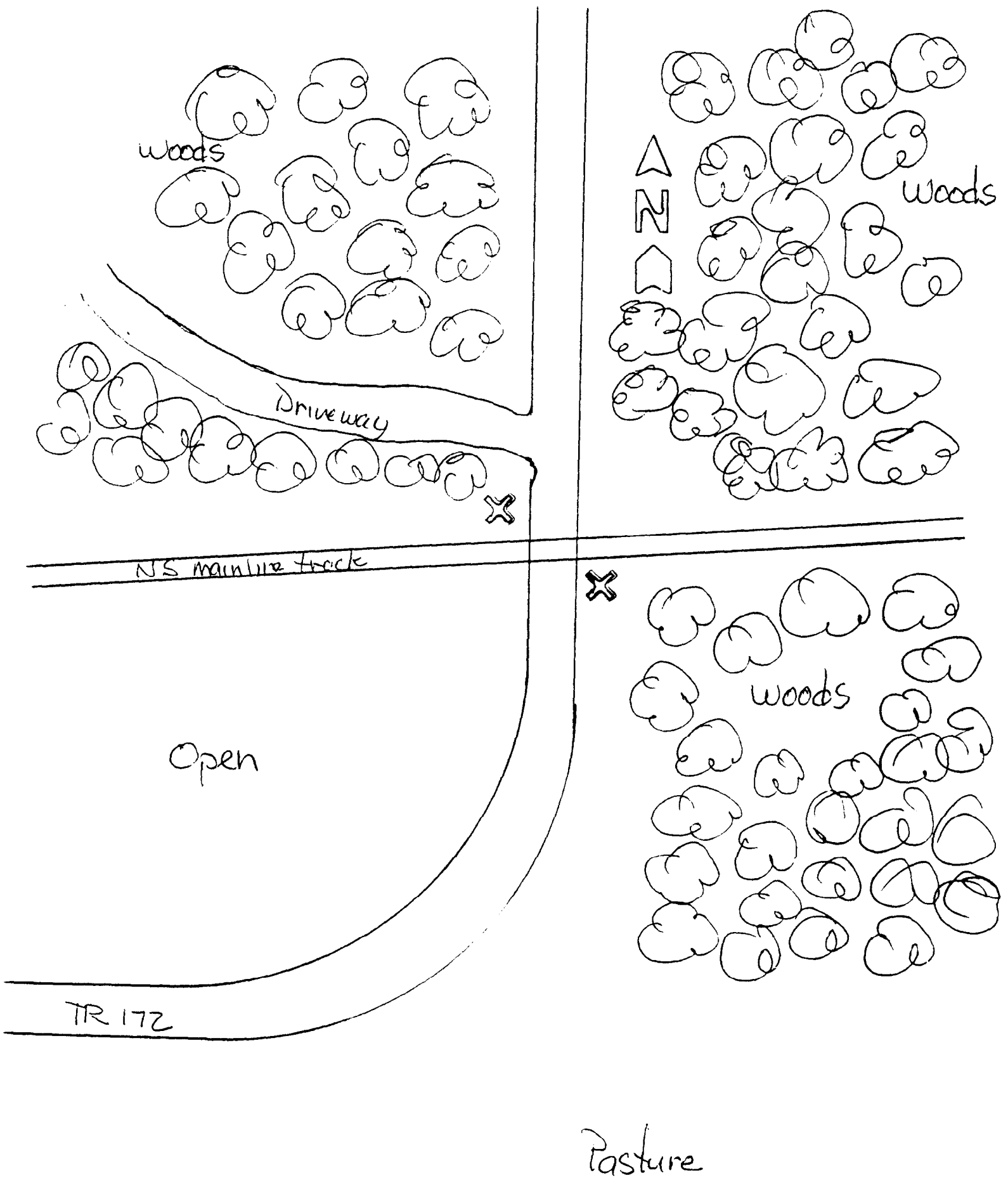
Approach Grades

North \* ' % ' % ' %  
South \* ' % ' % ' %

\* meets the requirements of 92 Ill. Adm. Code 1535.

Comments: This crossing meets the minimum Stipulated Agreement criteria for the installation of automatic flashing light signals and gates in that the product of the average daily train and vehicular traffic exceeds 3,000.

The existing crossing surface is in good condition. However, the surface is not wide enough to cover the usable roadway and shoulder area. A motorist forced to the edge of the roadway will not traverse the crossing but will strike the rails. Per the requirements of 92 Ill. Adm. Code 1535.203, the crossing surface must include the roadway surface and any reasonable should area. The Old Carpenter Road crossing surface does not extend through the usable roadway surface or any shoulder area. The railroad should extend the existing timber and asphalt crossing surface by 8' at each end of the crossing, or in the alternative, the Company can install a new surface. However, staff recommends that in view of the good condition of the existing crossing surface, the Company extend the existing crossing the designated length.



Not to scale

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**Ball-Park Estimate for Automatic Grade Crossing Warning Devices**


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City/State:	Edwardsville	Road:	Old Carpenter Rd.
Milepost:	D-462.11	DOT/AAR No.:	480 122C
Project Type:	New Installation	County:	Madison
S&E Project:	04.0464	AFE No.:	
Man Days:	24	File No.:	061-04.000

**\*\*\* PURCHASES - OTHERS \*\*\***

Meals and Lodging:	\$	6,042	
Rental of Equipment:	\$	13,214	
(2 Trucks, 1 Backhoe w/Trailer and 1 Pipe-Pusher for 24 Days			
Construction Supervision Vehicle:	\$	254	
Contingencies:	\$	865	
Purchases - Other Total:			\$ 20,375

**\*\*\* MATERIAL AND ADDITIVES \*\*\***

Material Cost:	\$	74,904	
Sales & Use Tax:	\$	3,745	
Freight Charges:	\$	7,116	
Material Total:			\$ 85,765

**\*\*\* LABOR AND ADDITIVES \*\*\***

Labor Cost:	\$	15,557	
(4 Man crew at \$649.00 a day for: 24 Days			
Payroll Tax and Overheads:	\$	13,468	
Preliminary Engineering:	\$	5,445	
Construction Supervision:	\$	4,390	
Labor Total:			\$ <u>38,860</u>
Subtotal:	\$	145,000	
Credit (Salvage/Scrap):			<u><del>0</del></u>
Total Project Cost:	\$		<u>145,000</u>

Estimate Date: 01-21-00

Estimated By: R. H. Ray

**This Estimate Valid For One Year From The Above Date****This Estimate Is Provided To Aid The State In Preparation Of A Project And Was Prepared Without Field Input.**

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

Date 4-4-00

Agreement # 909

The Board of Hamel Township  
(Board or Council of Township, Village, City, County, etc.)

meeting on 4-4-00, Resolved to authorize Richard M. Hensworth, Highway Comm.  
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and  
that the Township of Hamel is financially willing and able to  
(Township, Village, City, County)

bear the cost for the proposed improvements as may be assigned to it according  
to Section 5 of this Agreement.